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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,412	03/25/2004	William T. Walker	4366-148	3274
48500	7590	01/23/2007	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			ARTHUR JEANGLAUD, GERTRUDE	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,412	WALKER, WILLIAM T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gertrude Arthur-Jeanglaude	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 May 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4,7-15,18-27,29-34 and 47-60 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4,7-15,18-27,29-34 and 47-60 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/25/04, 11/17/06.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-15, 18-27, 29-34, 47-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall (U.S. 20020017977) in view of Balfanz et al. (U.S. 20030149874).

Wall discloses a method and apparatus for licensing and controlling access, use, and viability of product (e.g., computational component) utilizing geographical (e.g., GPS) position. According to Wall, there is provided whether an intended use of a computational component (e.g., 103, [0084] is permitted by (a) determining a geographic location (such as by a GPS device or module) of at least one of the computational component and a key device in communication with the computational component [0030], (b) comparing the geographic location (such as with a validation agent like a processor) with at least one predetermined geographic location permitted by the license [0031], and (c) when the geographic location is not a permitted geographic location under the license, determining that use of the computational component is not permitted [0030]. According to Wall, (d) when the geographic location is a permitted geographic location under the license, determining that use of the

computational component is permitted [0030]. Also, see paragraphs [0087-0088]. According to Wall, the step of determining a geographic location comprises the steps of determining GPS coordinates of the at least one of the computational component and key device and converting the GPS coordinates into a region identifier, wherein the permitted geographic location is one or more region identifiers and wherein [in the determining step (c ) ] the geographic location is a permitted geographic location when the region identifier identified in the converting step is included in the one or more region identifiers [0096-0097]. According to Wall, the at least one of the computational component and a key device is the computational component and a key device is the computational component or the key device. See figures 1 and 3. The permitted use is defined by a license, according to Wall, and method of determining permitted use further comprises the steps of determining whether

The key device is in communication with the computational component, (e) when the key device is not in communication with the computational component, determining that the computational component is not validly licensed; and (f) when the key device is in communication with the computational component, determining that the computational component is validly licensed. Also known as a validation agent in the computational component. See figure 5 and paragraphs [0107, 0136-0140]. In addition, Wall discloses (d) authenticating the key device and when the key device is not authenticated successfully, determining that the computational component is not validly licensed. See page 10. as described on page 7, paragraphs [0101, 0105], Wall discloses a computer readable medium comprising instructions, when executed by a computer (e.g.,

processor 103) causing the computer to perform the aforementioned steps. Wall discloses a logic circuit (e.g. processor or computer) operable to perform the aforementioned steps. Additionally, Wall discloses receiving Global Positioning System (GPS) information from a GPS receiver [0030], the GPS information comprising at least one of a geographic location and a clock setting [0030, 0038, 0091-0094], wherein the geographic location is associated with the location of at least one of the computational component and a key device in communication with the computational component. Wall also discloses comparing the geographic location with at least one predetermined geographic location permitted by the license; and comparing the clock setting with an expiration date of the license. According to Wall, when the geographic location is not a permitted geographic location under the license and/or when the clock setting is outside of the permissible term of the license, determining that use of the computational component is not permitted. Also known as licensing validation agent in the computational component See paragraphs [0090-0094, 0101-0105]. Wall fails to specifically disclose the key device in communication with and physically separate from the computational component, the key containing a location module for determining wirelessly geographic location relative to a selected coordinate system. In a related art, , Balfanz et al. disclose key device (612, 614, 616) as shown in Fig. 11 is in communication with the computational component (610) wherein the key device in communication with and physically separate from the computational component, the key containing a location module for determining wirelessly geographic location relative to a selected coordinate system (See paragraph 0067, 0068, 0070,0071). It would have

been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Wall with that of Balfanz et al. by having the key device in communication with and physically separate from the computational component, the key containing a location module for determining wirelessly geographic location relative to a selected coordinate system in order to provide authentication between the systems.

***Response to Arguments***

Applicant's arguments with respect to claims 1- have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AU 3661

GAJ